
HOUSE BILL No. 1338

DIGEST OF INTRODUCED BILL

Citations Affected: IC 33-37-5.

Synopsis: Alcohol and drug court fees. Increases the drug abuse, prosecution, interdiction, and correction fee from a minimum of \$200 to \$300. Increases the alcohol and drug countermeasures fee from \$200 to \$300.

Effective: July 1, 2005.

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January 13, 2005, read first time and referred to Committee on Courts and Criminal Code.

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Introduced

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

HOUSE BILL No. 1338

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 33-37-5-9 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 9. (a) This section
3 applies to criminal actions.

4 (b) The court shall assess a drug abuse, prosecution, interdiction,
5 and correction fee of at least ~~two~~ **three** hundred dollars ~~(\$200)~~ **(\$300)**
6 and not more than one thousand dollars (\$1,000) against a person
7 convicted of an offense under IC 35-48-4.

8 (c) In determining the amount of the drug abuse, prosecution,
9 interdiction, and correction fee assessed against a person under
10 subsection (b), a court shall consider the person's ability to pay the fee.

11 (d) The clerk shall collect the drug abuse, prosecution, interdiction,
12 and correction fee set by the court when a person is convicted of an
13 offense under IC 35-48-4.

14 SECTION 2. IC 33-37-5-10 IS AMENDED TO READ AS
15 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 10. (a) The clerk shall
16 collect an alcohol and drug countermeasures fee of ~~two~~ **three** hundred
17 dollars ~~(\$200)~~ **(\$300)** in each action in which:

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- 1 (1) a person is found to have:
 - 2 (A) committed an offense under IC 9-30-5;
 - 3 (B) violated a statute defining an infraction under IC 9-30-5;
 - 4 or
 - 5 (C) been adjudicated a delinquent for an act that would be an
 - 6 offense under IC 9-30-5, if committed by an adult; and
 - 7 (2) the person's driving privileges are suspended by the court or
 - 8 the bureau of motor vehicles as a result of the finding.
- 9 (b) The clerk shall collect an alcohol and drug countermeasures fee
- 10 of ~~two~~ **three** hundred dollars (~~\$200~~) (**\$300**) in each action in which:
 - 11 (1) a person is charged with an offense under IC 9-30-5; and
 - 12 (2) by a plea agreement or an agreement of the parties that is
 - 13 approved by the court:
 - 14 (A) judgment is entered for an offense under:
 - 15 (i) IC 9-21-8-50;
 - 16 (ii) IC 9-21-8-52;
 - 17 (iii) IC 7.1-5-1-3; or
 - 18 (iv) IC 7.1-5-1-6; and
 - 19 (B) the defendant agrees to pay the alcohol and drug
 - 20 countermeasures fee.

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